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DIVISION

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MS 16
US PATENT & TRADEMARK
OFFICE 47-0202P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Ivo Glynne Gut et al.

Appl. No.: 09/555,866

Group: 1634

Filed: November 21, 2000

Examiner: GOLDBERG, J.A

For: Methods for Identifying Nucleic Acids By
Means of Matrix Assisted Laser
Desorption/Ionisation Mass Spectrometry

ATTENTION: Refund Section
Accounting Division
OFFICE OF FINANCE

REQUEST FOR A REFUND

(Improper Fees Paid - Small Entity Previously Established)

MS 16

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

March 30, 2006

Sir:

The following documentation and remarks are respectfully
submitted in connection with the above-identified application.

DOCUMENTATION

Attached hereto is:

☐ a copy of written assertion of small entity status
filed on ; and/or

☒ a copy of an executed Statement Claiming Small Entity
Status (37 C.F.R. § 1.9(f) and 1.27(d)) - Non-Profit Organization
filed on November 17, 2000.

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Appl. No. 09/555,866

REMARKS

Pursuant to 37 C.F.R. § 1.28(a), applicants hereby request a refund of 50% of the Extension and Government Fee for Filing of a Notice of Appeal fee paid on March 22, 2006. Small entity status was established prior to payment of this fee by the filing of a written assertion/statement on November 17, 2000.

Under 37 C.F.R. § 1.26(b), any request for a refund which is not based upon subsequent entitlement to small entity status must be filed with a two-year nonextendable time limit.

The Extension and Government Fee for Filing of a Notice of Appeal fee in the amount of \$1520.00 was paid on March 22, 2006. It is respectfully requested that the excess fee of \$760.00 be credited to Deposit Account No. 02-2448.

Favorable action on the present Request is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

On/Under of Transmittal
I hereby Certify that this correspondence is being
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Trademark Office:

On March 30, 2006
Sandra B. Paulo
Signature
Typed or printed name of person signing certificate

LRS/SWG/sbp
0147-0202P

Attachment(s)

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

47,604

By for Leonard R. Svensson, #30,330
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

6304-2364

8 3007 U!

**STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(d))--NONPROFIT ORGANIZATION**Docket No. 0147-0202P

Applicant, Patentee, or Identifier: Ivo Glynne GUT et al.
Application No.: 09/555,866
Application Filed: June 6, 2000
International Application No.: PCT/EP98/07911
International Filing Date: December 4, 1998
Title: Method for Identifying Nucleic Acids by Means of Matrix-Assisted Laser
Desorption/Ionisation Mass Spectrometry

I hereby state that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF NONPROFIT ORGANIZATION: Max-Planck-Gesellschaft zur Förderung der Wissenschaften e.V.
ADDRESS OF NONPROFIT ORGANIZATION: Berlin, Germany

TYPE OF NONPROFIT ORGANIZATION:

- ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)
☒ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) and 501(c)(3))
IF LOCATED IN THE UNITED STATES OF AMERICA
☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED
STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA
(NAME OF STATE _____)
(CITATION OF STATUTE _____)

I hereby state that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees to the United States Patent and Trademark Office regarding the invention described in:

- ☐ the specification filed herewith with title as listed above.
☒ the application identified above.
☐ the patent identified above.

I hereby state that rights under contract or law have been conveyed to and remain with the nonprofit organization regarding the above identified invention. If the rights held by the nonprofit organization are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities and that no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☐ no such person, concern, or organization exists.
☒ each such person, concern, or organization is listed below.

Epigenomics GmbH
Kastanienallee 24
10435 Berlin, Germany

(small business concern)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Christa Herzog
TITLE IN ORGANIZATION OF PERSON SIGNING Head of patent department
ADDRESS OF PERSON SIGNING: Hofgartenstr. 8, 80539 München

Christa Herzog
Christa Herzog

München, den 5.10.2000

P. 01

**850 Town Center Drive, Suite 820
Costa Mesa, CA 92626-1825
Phone: (714) 708-8555
Fax: (714) 708-8585**

**Birch, Stewart,
Kolasch & Birch, LLP**

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To: MS 16 **From:** Leonard R. Svensson

Fax: 571-273-8300 **Pages:** 4 including cover sheet

Phone: **Date:** March 30, 2006

Your Ref.: Application No. 09/555,866 **Our Ref.:** 0147-0202P

Re: Request for a Refund **CC:**

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• Comments:

Please find attached:

Request for a Refund

Statement Claiming Small Entity Status

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MS AF
RESPONSE UNDER
37 C.F.R. § 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1634

PATENT
0147-0202P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: GUT, Ivo Glynne et al. Conf.: 2276
Appl. No.: 09/555,866 Group: 1634
Filed: November 21, 2000 Examiner: Goldberg, J.A.
For: Method for Identifying Nucleic Acids by
Means of Matrix Assisted Laser
Desorption/Ionisation Mass Spectrometry

NOTICE OF APPEAL FROM THE
PRIMARY EXAMINER TO THE BOARD OF APPEALS

MS AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

March 22, 2006

Sir:

Applicants hereby appeal to the Board of Appeals from the Office Action dated September 23, 2005 of the Primary Examiner twice rejecting claims 1-22 and 24-29.

- ☐ This document is being transmitted via the Certificate of Mailing provisions of 37 C.F.R. § 1.8.
- ☒ This document is being transmitted via facsimile.

The applicant(s) hereby petition(s) for an extension of three (3) month(s) pursuant to 37 C.F.R. §§ 1.17 and 1.136(a).

The fee has been calculated as shown below:

- ☒ NO extensions of time have been previously obtained for responding to the Office Action. Thus a fee of \$1,020.00 is required for the full period of the above-requested extension of time.
- ☐ An extension of () month(s) for responding to the

PAGE 2/3 * RCVD AT 3/22/2006 8:04:35 PM [Eastern Standard Time] * SVR:USPTO-EFXXF-8/44 * DNIS:2738300 * CSID:714 708 8565 * DURATION (mm:ss):01:50

Adjustment Date: 04/13/2006 SDIRETA1
03/23/2006 HVUONG1 00000133 022448 09555866
01 FC:1401 500.00 CR
02 FC:1253 1020.00 CR

03/23/2006 HVUONG1 00000133 022448 09555866

01 FC:1401 500.00 DA
02 FC:1253 1020.00 DA

04/13/2006 SDIRETA1 00000009 022448 09555866

01 FC:2253 510.00 DA
02 FC:2401 250.00 DA

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MAR 22 2006

Appl. No. 09/555,866

Office Action was previously requested and paid for on
Thus a fee of \$0.00 is required to obtain an
additional () month(s) for filing the Notice of
Appeal.

☐ Applicant claims small entity status. See 37 C.F.R. § 1.27.

The Government fee for filing a Notice of Appeal to the Board of
Appeals is calculated as follows:

☒ Large entity - \$500.00

☐ Small Entity - \$250.00

Therefore, the TOTAL FEE due for the filing of this Notice of
Appeal is \$1,520.00.

Payment of the above TOTAL FEE is being made in the following
manner:

☐ Check(s) in the amount of \$0.00 is/are enclosed.

☒ Please charge Deposit Account No. 02-2448 in the amount of
\$1,520.00.

If necessary, the Commissioner is hereby authorized in this,
concurrent, and future replies, to charge payment or credit any
overpayment to Deposit Account No. 02-2448 for any additional
fees required under 37 C.F.R. §§1.16 or 1.17; particularly,
extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

 #47,604
for Leonard R. Svensson, #30,330

P.O. Box 747

Falls Church, VA 22040-0747


(703) 205-8000

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0147-0202P

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On

 March 22, 2006


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Sandra B. Paul
Typed or printed name of person signing certificate

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